

PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

James J. Pisanelli, Bar No. 4027
Debra L. Spinelli, Bar No. 9695
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100
Facsimile: 702.214.2101
Email: jjp@pisanellibice.com
Email: dls@pisanellibice.com

Jonathan D. Polkes (*pro hac vice pending*)
Stephen A. Radin (*pro hac vice pending*)
Caroline Hickey Zalka (*pro hac vice pending*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: 212.310.8000
Facsimile: 212.310.8007
Email: jonathan.polkes@weil.com
Email: stephen.radin@weil.com
Email: caroline.zalka@weil.com

Attorneys for Defendants Georges Antoun,
Kevin DeNuccio, Sarita James, Jay Leupp,
Merrick D. Okamoto, Said Ouissal, Simeon
Salzman, and Fred Thiel, and Nominal
Defendant Marathon Digital Holdings, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KIMBERLY BERNARD, Derivatively on
Behalf of MARATHON DIGITAL
HOLDINGS, INC. (f/k/a MARATHON
PATENT GROUP, INC.),

Plaintiff,

v.

FRED THIEL, GEORGES ANTOUN,
KEVIN DENUCCIO, SARITA JAMES, JAY
LEUPP, SAID OUISSAL, MERRICK D.
OKAMOTO, and SIMEON SALZMAN,

Defendants,

-and-

MARATHON DIGITAL HOLDINGS, INC.
(f/k/a MARATHON PATENT GROUP,
INC.),

Nominal Defendant.

CASE NO.: 2:22-cv-00305-JAD-VCF

**STIPULATION AND [PROPOSED]
ORDER TO SET BRIEFING SCHEDULE
ON MOTION TO DISMISS**

(First Request)

1 Defendants Fred Thiel, Georges Antoun, Kevin DeNuccio, Sarita James, Jay Leupp, Said
2 Ouissal, Merrick D. Okamoto, Simeon Salzman (collectively, “Defendants”), Nominal Defendant
3 Marathon Digital Holdings, Inc. (“Marathon”), and Plaintiff Kimberly Bernard (“Plaintiff”), by and
4 through their respective counsel, and subject to this Court’s approval, agree to a briefing schedule
5 on Defendants’ and Nominal Defendant’s motion to dismiss. This is the first request to set a briefing
6 schedule in this action.

- 7 1. On February 18, 2022, Plaintiff filed her Complaint (ECF No. 1);
- 8 2. On March 25, 2022, service was effected by stipulation (ECF No. 6);
- 9 3. On April 4, 2022, Defendants and Nominal Defendant filed a motion to dismiss the
10 Complaint (ECF No. 13);
- 11 4. The parties have agreed to the following briefing schedule:
 - 12 a. Plaintiff’s response to the motion to dismiss is due on May 31, 2022;
 - 13 b. Defendants’ and Nominal Defendant’s reply is due on June 30, 2022;
- 14 5. This Stipulation is made in good faith, with good cause, and not for purposes of
15 unduly delaying discovery or trial.

16 ///

PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

1 Dated this 11th day of April, 2022.

2 PISANELLI BICE PLLC

3 By: /s/ Debra L. Spinelli

4 James J. Pisanelli, Bar No. 4027
5 Debra L. Spinelli, Bar No. 9695
6 400 South 7th Street, Suite 300
7 Las Vegas, Nevada 89101

8 Jonathan D. Polkes
9 (*pro hac vice pending*)
10 Stephen A. Radin
11 (*pro hac vice pending*)
12 Caroline Hickey Zalka
13 (*pro hac vice pending*)
14 WEIL, GOTSHAL & MANGES LLP
15 767 Fifth Avenue
16 New York, New York 10153

17 Attorneys for Defendants Georges Antoun,
18 Kevin DeNuccio, Sarita James, Jay Leupp,
19 Merrick D. Okamoto, Said Ouissal, Simeon
20 Salzman, and Fred Thiel, and Nominal
21 Defendant Marathon Digital Holdings, Inc.

Dated this 11th day of April, 2022.

MATTHEW L. SHARP, LTD.

By: /s/ Matthew L. Sharp

Matthew L. Sharp, Bar No. 4746
432 Ridge Street
Reno, Nevada 89501
Telephone: 775.324.1500
Email: matt@mattsharplaw.com

Gregory M. Egleston
GAINEY McKENNA & EGLESTON
501 Fifth Avenue, 19th Floor
New York, New York 10017
Telephone: 212.983.1300
Email: gegleston@gme-law.com

Attorneys for Plaintiff Kimberly Bernard

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, based on the parties' stipulation above, Plaintiff shall file her response to the motion to dismiss on or before May 31, 2022, and Defendants and Nominal Defendant shall file their reply on or before June 30, 2022.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: _____

CASE NO. 2:22-cv-00305-JAD-VCF